

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8281 of 2022

Arising Out of PS. Case No.-373 Year-2021 Thana- RAJAOLI District- Nawada

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BHONU TIWARI @ BHONDU TRIVEDI @ SHIVAM KUMAR SON OF
ARUN KUMAR TIWARI, R/O VILLAGE- HATHOCHAK, P.S.- RAJAULI,
DISTRICT- NAWADA. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Nand Kumar

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 31-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Rajauli P.S. Case No. 373 of 2021 registered for the offence
punishable under sections 30 (a)/37(c) of the Bihar Prohibition
and Excise Act.

Be that as it may, Section 76 (2) of the Bihar
Prohibition and Excise Act, 2016 makes an explicit embargo on
entertaining the application under Section 438 of the Cr.P.C.

Since the provision of Section 438 of the Cr.P.C. is
not applicable in respect of offences under the Bihar Prohibition
and Excise Act, 2016, as such, this anticipatory bail application



is dismissed, as not maintainable.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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